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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE, Plaintiff, v. KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive, Defendants.	Case No. 08 CV 0926 H (WMC) **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' RESPONSE TO COURT'S ORDER TO SHOW CAUSE** Date: June 17, 2008 Time: 10:30 a.m. Courtroom: 13 Judge: Hon. Marilyn L. Huff

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I. INTRODUCTION

Defendants City of San Diego ("CITY"), the City's Development Services Department ("DSD"), Kelly Broughton ("Broughton") and Afsaneh Ahmadi ("Ahmadi") (collectively "City Defendants"), in support of their collective response to the Court's Order to Show Cause why a preliminary injunction should not issue in the above-captioned matter, hereby request pursuant to Rule 201 of the Federal Rules of Evidence ("FRE") that the Court to take judicial notice of the items more particularly described below.

II. REQUESTS FOR JUDICIAL NOTICE

A court must take judicial notice if a party requests it and supplies the court with the requisite information. FRE 201(d). "A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." FRE 201(b). Furthermore, this Court may take judicial notice of its own records, and documents that are public records and capable of accurate and ready confirmation by sources that cannot reasonably be questioned. *See, MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir.1986) (courts may take judicial notice of matters of public record outside the pleadings); *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir.1980) (a court may take judicial notice of its own records). Documents whose contents are alleged in a complaint and whose authenticity is not in question may be considered in a motion to dismiss. *See, Branch v. Tunnell*, 14 F.3d 449, 453-54 (9th Cir. 1994).

A. Judicial Notice of State Court Authority

In this category, the City Defendants cite to various California appellate decisions as well as to certain sections or provisions of the California Code, filed herewith under separate cover as Defendants' Notice of Lodgment of California cases and Defendants' Notice of Lodgment of Statutes and Authority. Pursuant to FRE 201, these items are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

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B. Judicial Notice of Municipal Ordinances of the City of San Diego

In this category, the City Defendants cite to various provisions of the San Diego Municipal Code and local media, filed herewith under separate cover as Defendants' Notice of Lodgment of Statutes and Authority. Pursuant to FRE 201, these items are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

Dated: June 9, 2008

MICHAEL J. AGUIRRE, City Attorney

By /S/ Robert J. Walters
ROBERT J. WALTERS
Deputy City Attorney

Attorneys for Defendant CITY OF SAN DIEGO